ADMINISTRATION OF JUSTICE

671 The Ilonga had a well-developed legal system with a concept of law quite similar to our own. Most of the laws received their sanction from immemorial usage, but new ones could be enacted to meet emergencies. A new law would be formulated by the *M'pemba* in council with the *Kadandi-ona* and publicly announced by him at a special *baleny*. There seems to have been no machinery for the repeal of laws. Unpopular or antiquated ones would simply be allowed to lapse. The more important regulations were known to the entire community, but there were certain individuals who were recognized as especially conversant with the law and from whom litigants would seek advice. In trials, previous decisions were often cited, but I could not discover how binding such precedents were.

619 The distinction between civil and criminal cases was clearly
626 recognized. The former consisted of disputes over property. Apparently it was impossible to sue for damages. Criminal actions were brought for theft, murder and witchcraft. Incest, in spite of the very strong feeling against it, was not technically a crime, and neither was mayhem. Actually, deliberate murder and mayhem were so rare that informants were uncertain as to the exact procedure. Fights between other adults were considered disgraceful to both parties and most of the suits had never witnessed one. If one person injured another by accident, or while drunk, the matter was settled informally by an apology and gift to the injured party.

632 Minor civil cases were settled by the *Kadandi-ona* with the village
635 *chief* presiding. Criminal cases and the more important civil cases, especially those involving persons from different villages, were tried before the *Kadandi-ona* of the gens with a number of *Nandila* in attendance. All trials were public. The *K'pemba* ("chief") of the tribe might attend, but it was always the *Kadandi-ona* who gave the verdict, after consultation with the *Nandila*. In cases involving persons of different gentes, the litigants would agree to accept the *Kadandi-ona* of one or the other gens as judge, or, if the matter was very important, refer the case to the *Kadandi-ona* ("chief [council] to the king"). If the persons involved belonged to different kingdoms, the plaintiff could appeal to either king to act as judge, but that king's decision had to be generally recognized as just and impartial. If it was not, the loser would refuse to abide by it and his own king would support him, causing war between the kingdoms.

645 In civil cases it was not unusual for the litigants to be represented by counsel. Both parties were allowed to state their case and to call

the spot, or, if the king was merciful, he was expelled and all his goods seized.

"*Witness.*—The Tanala firmly believe that certain crocodiles are endowed with a faculty which makes it possible for them to render justice. They are employed to judge an affair which seems dark. The accuser is told on the bank of a river inhabited by ferocious crocodiles. Everyone assembles there and keeps silence so as not to frighten the animals. The *Andriandrivou* throw an open *sadve* (pair of blacksmith's bags) on the edge of the river and agitate the water three times. He invokes the *Zanahary* and the ancestors, asking that the accused be devoured if guilty and allowed to pass safely if innocent. When he has finished the accused advances, steps over the sadve and plunges into the river. He swims to the other bank and back. If he is guilty, the crocodile take him, if innocent he passes safely. When he gets back all raise a cry of *Vita! Vita!* [Finished!] and the young people plunge into the river to receive him. After the ceremony he returns to his village and his accuser kills an ox to solemnify him."

Although all these ordeals appear severe to a European the natives seem to have submitted to them without much trepidation. There were a fair number of acquittals. An old Betsileo informant who had himself undergone the ordeal of the hot spade told me that he had been helped by an ordeal, who rubbed his tongue with an evil tasting root. This produced profuse saliva and so he hardly touched his tongue to the iron he was exhorted.

A guilty sorcerer was practically always killed and his goods appropriated by the king. There was no official executioner, the bystanders falling upon the man and speeding him to death. Special offenders were sometimes burned alive.

Betsileo Legal Custom

The legal system of the Betsileo was less developed than that of the Bara, due to the absence of large political groupings. Nearly all their laws had been handed down from such ancient times that their origin had been forgotten. New laws could be enacted by the Fanshin and chief of the clan, but were rarely to have been made. Court procedure was less formal and a civil case the litigants were not represented by counsel, although they would seek advice from persons skilled in the law before coming into court. Evidence was taken as among the Bara. In criminal cases there was still less formality, the Fokonolona as a whole deciding whether the accused